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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,573	06/30/2003	Roopesh R. Varier	6533/53765	5168
30505 7590 04/03/2007 LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			EXAMINER HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/611,573

Applicant(s)

VARIER ET AL

Examiner

Kevin Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-36 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 10-13, 15-23 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini et al. (US 2003/0043792).

1. Regarding claims 1 and 36, Carpini discloses an apparatus (fig. 1A, item 3) enabling synchronization of network traffic with at least one network device (item 5). The apparatus comprises a first network interface (item 11; para. 42, last four lines) for communication with a first network device, a second network interface for communication with a second network device (item 13), and a third interface (item 19) for sending synchronization packets to a partner network device (item 5), and a control module (fig. 2, item 79). The control module receives data packets on the first and second interfaces, exchanges synchronization packets on the third

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interface (para. 88), where packets received on a third interface are processed (fig. 3; para. 88, last nine lines).

2. However, Carpini does not disclose a bidirectional interface. Although, Carpini discloses interfaces for exchanging data with end nodes and routers, and processing received data (figs. 2-3). Therefore, it would have been obvious to one skilled in the art to have bidirectional interfaces and associated transmit/receive functionality in each router in the invention of Carpini in order to beneficially allow a two-way exchange of data in each router as is known in the art.

3. Regarding claim 2, synchronization packets are discarded before transmitting data packets to the destinations (para. 88, last four lines; note: only one of the paths are chosen, where each path carries identical data packets).

4. Regarding claim 3, the apparatus comprises a fourth interface (item 21; note: primary and backup LSPs).

5. Regarding claims 4-5 and 13, the packets are encapsulated with synchronization headers, which are summary versions (para. 88; note: duplicate flow labels).

6. Regarding claim 6, the interfaces are wired (fig. 1a).

7. Regarding claims 10-12, the data is verified (para. 88; note: fault or failure is determined).

8. Regarding claims 15-23, these limitations have been addressed in the rejection of claims 1-6 and 10-13 above.

9. Regarding claims 27 and 29-32, these limitations have been addressed in the rejection of claims 1-6 and 10-13 above. Additionally, the bandwidth management module is the processor (item 79; para. 98, lines 7-9).

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10. Regarding claim 28, the bandwidth management device enforces bandwidth constraints (para. 98).

Claims 7-9, 24-26 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini as applied to claim 1, 3 19, 20, 27 or 29 above, and further in view of Garcia-Luna-Aceves (US 2002/0167960).

11. Regarding claims 7-9, 24-26 and 33-35, Carpini does not disclose the routers as having interfaces as wireless. Garcia discloses wireless interfaces for routers (fig. 3; para. 58).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have wireless connectivity in the invention of Carpini in order to provide an alternate method of transferring data (Garcia, para. 3).

Allowable Subject Matter

12. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the

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Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Harper', is positioned above the printed name.

Kevin C. Harper

April 2, 2007